

REMARKS**I. Status of the Claims**

Claims 1-3, 7-9, and 11-13 have been amended and do not add new matter.

Claim 10 has been cancelled without prejudice or disclaimer of the subject matter therein.

Claims 1-9 and 11-13 are pending.

II. Status of the Specification

The Specification has been amended to correct minor grammatical errors, as per the Examiner's request. No new matter has been added.

III. Rejections Under 35 U.S.C. § 112

Claims 1-13 stand rejected under 35 U.S.C. § 112, second paragraph, as indefinite for failing to distinctly claim the subject matter which comprises the present invention.

Claims 1-3, 7-9, and 11-13 have been amended to clarify confusing aspects. Specifically, claim 1 has been amended to state that the fragrance container holds "a fragrance inside while the container is not under the stress of being stretched and release fragrance when a shape of said fragrance container is being changed by stretching."

Claim 3 has further been amended to specify when the release of fragrance occurs.

Claims 7-9, 11, and 13 have also been amended for improved clarity. Applicant respectfully requests that the rejection be withdrawn.

IV. Rejection Under 35 U.S.C. § 102

Claims 1 and 4 have been rejected under 35 U.S.C. § 102(b) as being anticipated by either U.S. Patent No. 4,535,935 to Spector or U.S. Patent No. 6,705,541 to Schuehrer et al. (“Schuehrer”).

Applicant respectfully traverses the above rejection. The present invention, as disclosed in claim 1, provides a fragrance-containing ornament which emits a fragrance when the user desires fragrance to be released and squeezes or pulls on the ornament. Fragrance is not released at any other time. Claim 1 recites “fragrance release pores holding a fragrance inside while the container is not under the stress of being stretched and release fragrance when a shape of said fragrance container is being changed by stretching.”

In contrast, Spector’s fragrance continuously escapes from the fragrance-containing ornament through the pores of the ornament’s fabric sleeve. Spector states that the

sachet includes a permeable fabric sleeve having stuffed therein a flexible core of absorbent material having wicking properties. ...The core is initially impregnated with a charge of the same liquid fragrance which, as it evaporates, is diffused through the sleeve into the closet or drawer to scent the clothing housed therein.

Spector, column 1, line 68 to column 2, line 14. Spector’s core is impregnated by squeezing an attached bottle to discharge fragrance into the core material. Once impregnated, the core material continuously releases fragrance. Thus, Spector’s sachet releases fragrance when it is not being stretched or deformed. Applicant submits that Spector cannot anticipate the claims and the rejection should be withdrawn.

Schuehrer's device emits fragrance only when a tab is opened. Further, Schuhrer's fragrance dispenser continuously emits fragrance once his dispenser is deformed and returns to its normal shape.

[A]n absorbent element, e.g., a sponge, felt, or cardboard, [is disposed] in a thermoformed package as a reservoir ... [and] serves to fully absorb an aromatic carrier substance[. The package] has a small opening, which is sealed, e.g., by an adhesive label, adhesive dot, or peel-off film. This seal is removed for activation purposes. Through this opening the fragrance-enriched air can emanate from the interior of the package to the outside. Pressure that is exerted onto the package causes more intensely enriched air to flow into the environment.

Schuehrer, column 1, lines 47-67. Schuehrer also discloses embodiments where the package can be resealed. *See*, Schuehrer, column 4, line 27 to column 6, line 3. However, all the embodiments do not reseal under the only condition that the container is not under pressure. A user of Schuehrer's device must open the seal, apply pressure to the package, release the pressure and then reseal the package. If only the first three steps are performed, Schuehrer's opening remains open for the enriched air to emanate from the interior of the package to the outside.

In contrast, the fragrance release pores of the claimed invention hold the fragrance when the fragrant container is not being deformed and only releases the fragrance when deformed. The present invention does not emit fragrance when it is not deformed and, in opposite, Schuehrer's invention does. Applicant respectfully submits that Schuehrer does not anticipate the present invention and requests that the rejection be withdrawn.

V. Rejections Under 35 U.S.C. § 103

Claims 2, 3, and 5-13 stand rejected under 35 U.S.C. § 103(a) as unpatentable over Spector (U.S. Patent No. 4,535,935) and Schuehrer (U.S. Patent No. 6,705,541).

The Examiner states that both above-named references teach the concept of releasing fragrance vapor through pores and that as such it would be obvious to one of ordinary skill in the art to change the size of the pores depending on the desired diffusion rate. The Examiner further contends that the above references teach that the fragrance may be decorative and of any desired shape and that the fragrance containing material may be injected with a liquid fragrance. Applicant respectfully traverses the stated rejections.

Applicant submits that the method of fragrance release based on squeezing or pulling on the fragrant ornament to release the fragrance, as described in claim 1 of the present application, is nonobvious in view of both Spector and Schuehrer. Neither reference cited against the current application either teaches or motivates one of ordinary skill in the art to create a device with changing pore sizes in the presence of an external influence, such as simply pulling or squeezing. This changing pore size creates the effect of opening and closing the pores. The pores cited in Spector are never able to close, while the release of fragrance into the porous vessel in Schuehrer only occurs upon the release of a tab. Furthermore, the pores in Schuehrer maintain the same diameter at all times. The present invention greatly simplifies the fragrance release mechanisms present in the prior art. All objectionable claims are dependent on claim 1 and thus include its unique advantages over the referenced prior art. In light of these differences, Applicant respectfully submits that claims 2, 3, and 5-13 are in condition for allowance.

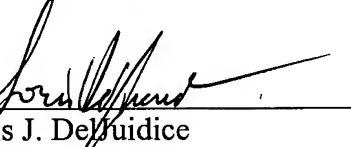
CONCLUSION

In view of the above, each of the presently pending claims in this application is believed to be in immediate condition for allowance. Accordingly, the Examiner is respectfully requested to pass this application to issue.

If there are any other issues remaining to be examined or believed to be resolved by a Supplemental Response or an Examiner's Amendment, the Examiner is respectfully requested to contact the undersigned at the telephone number indicated below.

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Respectfully submitted,

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